The Northern Triangle and Border Stabilization Act
Section-by-Section


Section 101: United States Strategy for Engagement in Central America.

Directs the Secretary of State to develop a 5-year interagency strategy on Central America (“Strategy”) that advances the rule of law, promotes economic development, disrupts the illicit financial operations of organized criminal networks and traffickers, and addresses the poverty, violence, and corruption contributing to the movement of families and unaccompanied children to the United States.


Directs the President to designate a senior official who will report to the Secretary of State and coordinate all efforts related to the Strategy, including coordination with the Department of State, the Department of Justice (DOJ), the Department of Defense, the Treasury Department, the Department of Homeland Security (DHS), the intelligence community, the U.S. Agency for International Development (USAID), and international partners, as well as consultation with multinational organizations and civil society organizations.

Section 103: Requirement for Strategy to Secure Support of International Donors and Partners.

Directs the Secretary of State to develop a 3-year strategy to secure additional government donors and partners for implementation of the broader strategy on Central America, and report annually on implementation of the strategy to appropriate congressional committees.

Section 104: Strengthening the Rule of Law and Combatting Corruption.

Directs such funds as necessary to strengthen the rule of law, combat corruption, consolidate democratic governance, and defend human rights. Also identifies activities that may be used by the State Department and USAID in pursuit of these priorities.

Section 105: Combating Criminal Violence and Improving Citizen Security.

Directs such funds as necessary to countering violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations, and human smuggling networks, and identifies activities that may be used by the State Department and USAID in pursuit of these priorities.
**Section 106: Combatting Sexual, Gender-Based and Domestic Violence.**

Directs such funds as necessary to countering sexual, gender-based, and domestic violence, and identifies activities that may be used by the State Department and USAID in pursuit of these priorities.

**Section 107: Tackling Extreme Poverty and Advancing Economic Development.**

Directs such funds as necessary to countering extreme poverty and advancing economic development, and identifies activities that may be used by the State Department and USAID in pursuit of these priorities.

**Section 108: Conditions, Limitations, and Certifications on United States Assistance.**

 Allows the State Department to obligate up to 25 percent of the funds available to El Salvador, Guatemala, and Honduras to carry out the Strategy without conditions.

Sets conditions on 25 percent of available funds, as follows: The State Department, in consultation with DHS, must certify that that the relevant governments are taking steps to: (1) combat human smuggling and trafficking, (2) improve border security and screening, (3) work with the United States in facilitating repatriations, (4) improve reintegration services, and (5) cooperate with the U.N. High Commissioner for Refugees (UNHCR) to improve protections for vulnerable populations.

Sets conditions on 50 percent of available funds, as follows: The State Department must certify that that the relevant governments have taken steps in the previous year to meet 13 separate criteria, including but not limited to: combating corruption, implementing reforms to strengthen rule of law, countering criminal gangs, professionalizing police forces, countering gender-based violence, implementing electoral and political reforms, increasing government revenues, and strengthening the education system. Guatemala is required to meet two additional criteria.

Any funds withheld from the governments due to the condition provisions in the legislation are still distributed to the region, just not to the central governments of those countries. Humanitarian assistance is exempted from the conditions entirely.

**Section 109: Limitations.**

Prohibits the use or transfer of funds to assist in the deportation or repatriation of any individual from a third country to his or her country of origin or to another country.

**Title II: Addressing Migration Needs by Strengthening Regional Humanitarian Responses for Refugees and Asylum Seekers in the Western Hemisphere.**
Section 201: Expanding Refugee and Asylum Processing in the Western Hemisphere for Third Country Resettlement.

Directs the State Department, in consultation with DHS, to work with international partners, including UNHCR, to support and strengthen the domestic capacity of countries in the Western Hemisphere to process and accept refugees for resettlement and adjudicate asylum claims. Identifies actions to be taken in furtherance of this objective, including providing support and technical assistance to governments for identifying, processing, and adjudicating refugee claims; establishing and expanding safe and secure refugee reception centers; and developing capacity to conduct best interest determinations for unaccompanied children to ensure that such children are properly registered and that their claims are appropriately considered.

Section 202: Further Strengthening Regional Humanitarian Responses in the Western Hemisphere.

Directs the State Department, in consultation with DHS, and in coordination with international partners, to support and coordinate with the government of each country hosting a significant population of refugees to establish and expand temporary shelter and shelter network capacity; deliver gender-, trauma-, and age-sensitive humanitarian assistance; establish and expand sexual, gender-based, and domestic violence prevention, recovery, and humanitarian programming; and support local integration initiatives to help refugees and asylum seekers rebuild their lives and contribute in a meaningful way to local economies.

Section 203: Information Campaign on Dangers of Irregular Migration.

Directs the State Department, in consultation with DHS, to implement public campaigns in El Salvador, Guatemala, and Honduras that provide information on the dangers of travel across Mexico to the United States; U.S. immigration law and policy; and the availability of asylum and other humanitarian protections in countries in the Western Hemisphere.

Section 204: Definitions.

Defines “resettlement,” “international protection,” and “best interest determination.”

Section 205: Reporting Requirement.

Directs the State Department, in consultation with DHS, to submit to the appropriate congressional committees a report describing how this Title will be implemented.

Title III: Managing Migration Through Refugee Resettlement, Complementary Pathways, and Strengthening Repatriation Initiatives.

Section 301: Designated Application Processing Centers.
Directs the Secretary of State to enter into bilateral or multilateral agreements within 90 days of enactment to establish Designated Application Processing Centers (Application Centers) in Mexico, Costa Rica, El Salvador, Guatemala, Honduras, and other countries deemed appropriate. The Application Centers will accept and process requests for admission of refugees under section 303, petitions for immigrant visas under section 304, family reunification under section 305, and employment-based referral under section 306.

Section 302: Registration and Intake

Directs Application Centers to receive and register individuals seeking to apply under this title, and provides that expedited processing of applications may be granted in emergency situations or for humanitarian reasons.

Section 303: Central American Refugee Program.

Directs the State Department and DHS to admit a minimum of 100,000 refugees of special humanitarian concern from El Salvador, Guatemala, and Honduras if they have substantial ties to the United States in each of fiscal years 2020, 2021, 2022, 2023, and 2024. The spouses and minor children of such refugees shall also be admitted.

The State Department, in consultation with DHS, may enter into bilateral agreements with other countries for the referral, processing, and resettlement of individuals who lack substantial ties to the United States.

For purposes of this section, refugees of special humanitarian concern include, but are not limited to, individuals who have suffered, or who have a well-founded fear of suffering, the following:

- Domestic, sexual, or other forms of gender-based violence, including persecution based on sexual orientation or gender identity;
- A severe form of trafficking in persons;
- Violence, extortion or other forms of persecution, including forced recruitment, by gangs or other organized criminal organizations; and
- Other serious human rights abuses.

Section 304: Central American Minors Program.

Directs the State Department and DHS to provide special immigrant visas to up to 10,000 eligible children in each of fiscal years 2020, 2021, 2022, 2023, and 2024. If the numerical limitation is not reached during any given fiscal year, unused visa numbers shall carry over to the following year. Special immigrant visas under this section are excluded from numerical limitations related to other immigrant visa programs under the Immigration and Nationality Act.

Establishes eligibility for children who are:
• nationals of El Salvador, Guatemala, or Honduras;
• unmarried and have a parent who is lawfully present in the United States; and
• otherwise generally eligible to receive immigrant visas under the immigration laws.

Deems certain applications filed under the former Central American Minors (CAM) Refugee Program as applications under this section. The minor child of a special immigrant under this section may accompany or follow-to-join the special immigrant.

Section 305: Family Reunification Parole Program.

Directs DHS to establish a procedure for granting parole to nationals of El Salvador, Guatemala, and Honduras who are beneficiaries of approved family-based immigrant visa petitions, where an immigrant visa is expected to available within 5 years.

Section 306: Central American Worker Referral Program.

Provides that individuals who register at Application Centers shall be screened for suitable temporary worker placements, including with U.S. employers or recruiters seeking temporary agricultural or non-agricultural workers; organizations that sponsor exchange visitors; and other temporary opportunities as determined by DHS. Individuals may only be referred if they have agreed in writing to participating in the referral program.

Section 307: Information Campaign; Case Status Hotline.

Directs the State Department and DHS to implement an information campaign in English and Spanish to increase awareness of the provisions of this title in the United States and Central America. Directs the State Department and DHS to establish a confidential case status hotline within 90 days of enactment.

Title IV: Improving Border Infrastructure for Families and Children; Cracking Down on Criminal Organizations.

Section 401: Additional U.S. Customs and Border Protection Personnel.

Adds additional Customs and Border Protection (CBP) personnel, including 200 new officers at ports of entry, at least 100 agricultural specialists, 100 humanitarian specialists, and 100 child welfare professionals. The addition of humanitarian specialists and child welfare professionals will allow CBP officers and agents to focus on their core missions while the needs of children and families are tended to by these new hires.

Amends the Office of Field Operations Workload Staffing Model calculation to include humanitarian specialists, child welfare professionals, and qualified experts in pediatric medicine. Requires a Government Accountability Office report if the new hiring has not been completed by March 31, 2020.

Requires the CBP Commissioner to submit a report detailing the infrastructure improvements that are needed to process and protect migrants and asylum seekers; facilitate daily pedestrian and vehicular trade and traffic; and detect, interdict, disrupt, and prevent the smuggling of fentanyl and other narcotics.

Section 403: General Short-Term Custody Standards in Customs and Border Protection Facilities.

Sets short term custody standards for all CBP facilities, including standards related to physical and mental health screenings, food quality, access to bathroom facilities, climate control, bedding, phones to lodge complaints, and safe transportation.

Requires constant surveillance of an individual in CBP custody who exhibits signs of hostility, depression, or similar behaviors, or who is reasonably known to pose an elevated suicide risk.

Requires a physical and mental health assessment by a qualified healthcare professional for individuals who are in custody longer than 24 hours.

Requires inspections of CBP short-term facilities by the DHS Office for Civil Rights and Civil Liberties, and publication of inspection results.

Mandates the creation of an online tracking system for people held in CBP custody for longer than 24 hours.

Section 404: Standards for Children in Customs and Border Protection Custody.

In addition to the custody standards in section 403, requires children to have access to daily recreation, including recreational time outdoors if the period of custody exceeds 24 hours. Children shall also be permitted to make supervised video or telephone calls to family members, and there shall be adequate diapering supplies, formula, and other feeding supplies for infants.

Requires all children to be interviewed by a child welfare professional, receive video and written notice of their rights, and be permitted to communicate with counsel.

Section 405: Child Welfare at the Border.

Requires mandatory training for all CBP personnel as it relates to children.

Requires DHS to have sufficient qualified child welfare professionals and qualified experts in pediatric medicine at each port of entry and U.S. Border Patrol station with a high volume of arriving children.

Mandates the creation of a tracking system for family units that shall be integrated with CBP, ICE, and the Office of Refugee Resettlement (ORR). This will ensure that family units are not lost in the system and make reunification easier to achieve if families are separated in the future.
Section 406: Enhanced Investigation and Prosecution of Human Smuggling Networks and Trafficking Organizations.

Requires DOJ and DHS to expand investigations and prosecutions of human smugglers that specifically target Central American children and families.

Section 407: Enhanced Penalties for Organized Smuggling Schemes.

Creates increased penalties, fines, and imprisonment for smuggling more than 10 individuals (excluding parents, spouses, siblings, children, grandparents, or grandchildren).

Section 408: Expanding Financial Sanctions on Narcotics Trafficking and Money Laundering.

Expands investigations, intelligence collection, and analysis pursuant to the Foreign Narcotics Kingpin Designation Act to increase the identification and application of sanctions against foreign drug traffickers and those who provide material, financial, and technological support for trafficking organizations.

Section 409: Support for FBI Transnational Anti-Gang Task Forces for Countering Criminal Gangs.

Expands the Transnational Anti-Gang Task Forces in El Salvador, Guatemala, and Honduras, including criminal investigations into the MS-13 and 18th Street gangs; expands training and partnership with Central American law enforcement entities.

Section 410: Hindering Immigration, Border, and Customs Controls.

Creates criminal penalties for individuals who knowingly surveil, track, monitor, or transmit the location, movement, or activities of any Federal, State, or tribal law enforcement officer for financial gain for the purpose of frustrating border control measures. Also provides penalties for destroying or damaging border fencing or technology, or constructing structures intended to evade border technologies.

Section 411: Office of Inspector General Oversight.

Requires the DHS Inspector General to report to Congress on the status of efforts to implement sections 403, 404, and 405 of the Act.

Section 412: Fatality Reporting.

Requires DHS to publish quarterly information on deaths in CBP and ICE custody.

Section 413: Establishment of the Office of Ombudsman for Border and Immigration Related Concerns.
Requires the DHS Secretary to appoint an independent Ombudsman for Border and Immigration Related Concerns who will report directly to the Secretary. Directs the Ombudsman to establish an independent, neutral, and confidential process to receive, investigate, and resolve complaints of misconduct against DHS employees or contractors.

**Title V: Promoting Efficient Processing of Asylum Seekers; Addressing Immigration Court Backlogs; Efficient Repatriation of Migrants Ordered Removed.**

**Section 501: Joint task force to address rise in arrival of asylum seekers and migrants.**

Requires DHS to establish and operate a departmental Joint Task Force to coordinate border security operations on the southern border of the United States to address the rise in unaccompanied children and individuals seeking asylum or other forms of protection.

**Section 502: Incentivizing Applications at Ports of Entry.**

Prohibits CBP from limiting access to ports of entry for individuals seeking asylum or other forms of protection.

Ends the Migrants Protection Protocols.

**Section 503: Streamlining Intake of Asylum Seekers.**

Requires CBP to develop and implement a plan to improve the intake process for individuals in custody to ensure they are transferred to the appropriate agency or released within 72 hours as required by current CBP policy.

**Section 504: Prioritizing Prosecution Resources for Illegal Entry.**

Exempts asylum-seeking migrants from prosecution under 8 U.S.C. 1325 and 1326 (improper entry and reentry) unless and until their asylum claim is adjudicated and denied.

**Section 505: Expanding Alternatives to Detention.**

Directs DHS to expand the Family Case Management Program and develop additional community-based alternative to detention programs. Further directs DHS to contract with qualified nonprofit entities for the operation of the Family Case Management Program and other alternatives-to-detention programs.

**Section 506: Eliminate Immigration Court Backlogs.**

Requires the Department of Justice (DOJ) to increase the total number of immigration judges to efficiently adjudicate pending and future cases. Requires DOJ to ensure that immigration judges have sufficient support staff, adequate technological and security resources, and appropriate courtroom facilities.
Requires DOJ to increase the number of staff attorneys and support staff at the Board of Immigration Appeals.

Directs the Government Accountability Office to conduct a study on the hurdles preventing the efficient hiring of immigration judges and to propose solutions for improving the hiring process.

**Section 507: Improved Training for Immigration Judges and Members of the Board of Immigration Appeals.**

Requires the Executive Office for Immigration Review (EOIR) to conduct robust training programs for immigration judges and members of the Board of Immigration Appeals. Such training shall include continuing education on new developments in immigration law and training on issuing decisions and standards of review.

**Section 508: New Technology to Improve Court Efficiency.**

Requires EOIR to modernize its case management and related electronic systems to improve efficiency in immigration court proceedings.

**Section 509: Court Appearance Compliance and Legal Orientation.**

Requires DHS, in consultation with the Attorney General, to establish legal orientation programs for all individuals detained by DHS with instruction on basic hearing procedures, the consequences of filing frivolous claims or failing to appear, rights under the Federal immigration laws, procedures for requesting protection, and other appropriate subjects.

Expands the Immigration Help Desk to all immigration courts to provide non-detained individuals with pending asylum claims access to legal information.

**Section 510: Improving Immigration Court Efficiency and Reducing Costs by Increasing Access to Legal Information.**

Authorizes DOJ to appoint or provide legal counsel to individuals in immigration proceedings; requires DHS to provide copies of immigration files to respondents, and requires DHS to facilitate access to counsel for individuals in immigration proceedings and those detained in the interior or at a border facility.

Requires DOJ to appoint counsel for children, vulnerable individuals, and other individuals when necessary to help ensure fair resolution and efficient adjudication of a claim.

**Section 511: Facilitating Safe and Efficient Repatriation.**

Requires the Secretary of DHS to consult with the Secretary of State and local service providers in Mexico when negotiating repatriation agreements with the Government of El Salvador, Guatemala, and Honduras, to help ensure that migrants who are repatriated to those countries have access to adequate social services and other resources so that they do not fall prey to cartels.
Title VI: Protecting Family Values, and Monitoring and Supporting Care for Unaccompanied Alien Children.

Section 601: Limitation on the Separation of Families.

Prohibits CBP officials from separating children from their parents unless parental rights have been terminated, there has been a best interest determination by a child welfare agency, or there are indications of trafficking.

Section 602: Family Reunification.

Directs DHS to allocate resources to immediately reunify any child who was separated from his or her parent within 100 miles of the border or any child who was separated from a parent in violation of section 601.

Section 603: Prohibiting the Use of Certain Information.

Prohibits information provided to DHS or HHS for the purpose of finding a suitable sponsor, facility, or a home study for an unaccompanied child from being used for enforcement purposes against the unaccompanied child, the custodian, the proposed or current sponsor, or a resident in the home of the proposed or current sponsor.

Section 604: Responsibility of Sponsor for Immigration Court Compliance and Child Well-Being.

Requires the Secretary of Health and Human Services (HHS), in consultation with the Attorney General, to establish procedures to ensure all sponsors know their rights and responsibilities prior to placement of an unaccompanied child in their home, including responsibilities related to immigration court appearances, school enrollment, health care, reporting potential trafficking, seeking assistance if necessary, and complaint procedures.

Section 605: Monitoring Unaccompanied Alien Children.

Specifies the minimum requirements related to monitoring unaccompanied children after placement with a sponsor, including individualized assessments of the need for services, case management visits, and orientation services for the sponsor and family. In addition to providing technical assistance to care providers, requires the Director of ORR to evaluate referrals of the most vulnerable unaccompanied children for appointment of a child advocate. Ensures that advocates have access to materials and documents necessary to perform their duties.

Section 606: Funding to School Districts for Unaccompanied Alien Children.

Authorizes grant funding to local education agencies to provide services to unaccompanied children.
Section 607: School Enrollment.

Clarifies that schools must immediately enroll unaccompanied children in public school following placement with a sponsor living in the area served by the school district. Requires the school district to remove barriers to enrollment and participation in educational programs and services, such as policies related to documentation that negatively impact the ability of unaccompanied children to enroll in public schools.

Section 608: Definitions.

Defines terms as needed under this title.